

AMENDED IN ASSEMBLY JUNE 19, 2002

AMENDED IN SENATE MAY 20, 2002

AMENDED IN SENATE APRIL 23, 2002

SENATE BILL

No. 1903

Introduced by Senator O'Connell

February 22, 2002

An act to add Section 2890.2 to the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

SB 1903, as amended, O'Connell. Commercial mobile radio service providers: subscriber protection.

Existing law requires any person, corporation, or billing agent that charges subscribers for products or services on a telephone bill to, among other things, include in the telephone bill the amount being charged for each product or service, including any taxes or surcharges, and a clear and concise description of the service or product.

This bill would require a provider of commercial mobile radio service, as defined, to provide subscribers *by no later than January 1, 2004*, with a means by which a subscriber can obtain *reasonably current and available* information, *as determined by the providers*, on the subscriber's calling plan or plans and service usage. The bill would require ~~the commission to adopt regulations that become effective no later than January 1, 2004, to implement this provision~~ *providers to inform subscribers of the availability of this information and how it may be obtained, at the time service is established.*

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ *no*.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Commercial mobile radio service subscribers ~~are currently~~
4 *may currently be* unable to monitor their call time minutes and, as
5 a result, they face higher rates because they unknowingly exceed
6 the number of minutes ~~allowed under their plan~~ *included under*
7 *their plans*.

8 (b) Commercial mobile radio service subscribers need
9 reasonably accurate information relative to their current service
10 usage in order to enable them to better utilize their particular
11 calling ~~plan~~ *plans*.

12 (c) Providing commercial mobile radio service subscribers
13 with a reasonable estimate that includes a differentiation between
14 the types of ~~minutes covered by their plan~~ *usage covered by their*
15 *plans*, such as “peak” versus “free” minutes, will enable
16 subscribers to make informed decisions about their commercial
17 mobile radio service.

18 (d) The Legislature intends to require the provision of
19 reasonably available usage information ~~only from those by~~
20 commercial mobile radio service providers ~~that do not currently~~
21 ~~provide that information to their subscribers.~~ *by January 1, 2004.*

22 (e) Technology exists to provide commercial mobile radio
23 service subscribers with reasonably accurate information relative
24 to their current service usage, and this type of information ~~is~~
25 ~~regularly being made available by other providers of~~
26 ~~communications and information services, such as can be~~
27 ~~obtained through a variety of sources, including, but not limited to,~~
28 cellular telephone providers, Internet Web sites, and traditional
29 telephone customer service providers, such as 1-800 telephone
30 ~~number providers numbers.~~

31 (f) The Legislature intends that *reasonably available*, current
32 usage information ~~to be provided to commercial mobile radio~~
33 ~~service subscribers be a reasonable estimate of the cumulative~~
34 ~~usage during the billing cycle as of a specific time on the prior~~
35 ~~business day, such as 5:00 p.m. on the previous day, irrespective~~



1 of the day during the billing cycle on which that information is
2 requested.

3 ~~(g) Notwithstanding subdivision (f), the Legislature intends~~
4 ~~that the Public Utilities Commission take appropriate~~
5 ~~consideration, and address, be provided to all commercial mobile~~
6 ~~radio service subscribers, taking into consideration technical~~
7 ~~limitations that may affect reporting to a consumer, including, but~~
8 ~~not limited to, limitations on reporting “roaming” minutes~~
9 ~~incurred when a commercial mobile radio service subscriber is~~
10 ~~outside his or her plan coverage area, and there is a delay in the~~
11 ~~subscriber’s minutes being reported back to the subscriber’s~~
12 ~~commercial mobile radio service provider by another provider.~~

13 SEC. 2. Section 2890.2 is added to the Public Utilities Code,
14 to read:

15 2890.2. (a) ~~A~~ *No later than January 1, 2004, a provider of*
16 *commercial mobile radio service, as defined in Section 2892, shall*
17 *provide subscribers with a means by which a subscriber can obtain*
18 ~~current information~~ *reasonably current and available*
19 *information, as determined by the provider, on the subscriber’s*
20 *calling plan or plans and service usage.*

21 ~~(b) The commission shall adopt regulations, as it determines to~~
22 ~~be necessary, that become effective no later than January 1, 2004,~~
23 ~~to implement the requirement in subdivision (a).~~

24 *(b) Each provider of commercial mobile radio service shall*
25 *inform subscribers at the time service is established of the*
26 *availability of the information described in subdivision (a) and*
27 *how it may be obtained.*